REMARKS

Applicant wishes to thank Primary Examiner Lee for the courtesy of a telephone conference on June 4, 2009 wherein Examiner Lee indicated that a petition was not necessary to correct drawings but that it was necessary to explain the basis of the error and preferably to demonstrate evidence that such an error could be found in our original drawings and Specification. In accordance with that direction, applicants have prepared this Preliminary Amendment and the attached Declarations of inventors Yoshiichiro Kashiwagi, Masayuki Kozuka, Shinya Kadono, and the attorneys Hiromori Nii and Joseph W. Price, for consideration by the Examiner. Note, Jiuhuai Lu is no longer employed at Panasonic Corporation and his current address is not known.

The Office Action raised an issue under 35 USC § 101 citing the case of *In re Bilski*. Applicant has accordingly amended Claims 26-27 to provide adequate structure for supporting the current method claims. Applicant has added new claims 32-34 directed to a picture decoding apparatus and requests that they be considered in the initial examination.

The Final Office Action cited teachings in Figure 24 as the basis for contending that our claims 26-31 are anticipated under 35 USC §102.

Specifically, the Office Action referred to a drawing notation of extracting "Filter application information" from the bitstream and further outputting a decoded picture before the filtering process purportedly when the decoded picture is a reference picture.

Upon receiving the rejection based upon Figure 24, it became apparent that Figure 24 contained erroneous information that occurred during the drafting of a parent Japanese Patent Application No. 2003-398981. In this regard, the inventors first drafted Figure 1 which is, as set forth in our present application, a diagram of a first embodiment of our present invention.

During the preparation of the Figure 24, Figure 1 was modified in an effort to show a difference between the present invention and that of the prior art of Figure 24. That is, Figure 24 was supposed to have features deleted from the original drawing of Figure 1 which disclosed the present invention in order to emphasize a difference over the prior art.

This can be appreciated since the terminology "Filter application information" was in Japanese and meant to be disclosed between an output line from the memory 101 to the multiplexing unit 108, see Figure 1. In Figure 24, the filter application information is erroneously positioned next to the inverse orthogonal transformation unit 510. This unit is receiving selection information not filter application information. The Filter application information is stored in the memory 101 of Figure 1. The difference between Figure 1 and Figure 24 of the Japanese Patent Application No. 2003-398981 can be seen in the parent Japanese Drawing Attachments 3 and 4 hereto and as set forth in the following Table A.

TABLE A

		FIG. 1	FIG. 24
1	Signal line from memory to multiplexing unit	Present (from 101 to 108)	None
2	Signal line from the adder to the memory	Present (from 111 to 101)	None
3	Signal line to output terminal	From memory to output terminal	From filter to output terminal
4	Control unit	Present (113)	None

One of the deleted differences is the signal line for transmitting the "Filter application information" from the memory 101 to the multiplexing unit 108. In deleting this signal line, the words "Filter application information" indicating the signal being transmitted by this signal

line should also have been deleted from Figure 24 but was inadvertently (erroneously) left undeleted in the diagram.

In other words, the description of "Filter application information" in FIG. 24 of Japanese Patent Application No. 2003-398981 is an error and the Examiner can determine this error as follows.

First, when FIG. 1 and FIG. 24 of Japanese Patent Application No. 2003-398981 are physically placed on top of each other in front of a light, it can be seen that, aside from the differences shown in Table A, the two Figures match perfectly (although numerical references assigned to the blocks, and the like, in the Figures are different for FIG. 1 and FIG. 24).

This shows that FIG. 24 was drafted by modifying a copy of FIG. 1

Next, in the Specification, the "Filter application information" is disclosed in the section describing FIG. 9 in the second embodiment and the section describing FIG. 1 in the first embodiment. There is absolutely no disclosure regarding the "Filter application information" in the Background Art section.

In other words, this shows that the "Filter application information" was only recognized by the inventors in the context of our invention in the present application and not as prior art.

In addition, paragraph [0032] of the first embodiment (page 14, line 27 to page 15, line 3 of International Application WO 2004/077348) describes that the "Filter application information is information relating to the picture to be stored in the memory 101," see [0072] of our Specification.

The "Filter application information" is a signal transmitted through a signal line from the memory (101) to the multiplexing unit (108). The "Filter application information" is not a signal transmitted from the switch (104) to the multiplexing unit, nor a signal outputted

from the memory to the picture output terminal, and further not a signal used by the inverse orthogonal transformation unit.

In other words, In FIG. 24, the words "Filter application information" are isolated and have no relation to the other elements in the figure.

This shows that the description of the "Filter application information" in FIG. 24, in which a signal line from the memory (101) to the multiplexing unit (108) was deleted should not remain in the drawing of FIG. 24 and is an error.

In addition, FIG. 17 exists as another diagram describing the prior art. Here, the "Filter application information" is not described in FIG. 17.

According to paragraph [0022] of the Specification of the present application (page 8, lines 4 to 18 of International Application WO 2004/077348), FIG. 17 and FIG. 24 are different in terms of the following two points. First, in FIG. 17, a picture is outputted from the memory (501) whereas, in FIG. 24, the picture is outputted from the filter (512). Second, in FIG. 17, the picture for display (the picture to be outputted) is stored in the memory (501) whereas, in FIG. 24, the picture for display is not stored in the memory.

Therefore, (if FIG. 24 had been correct) there should have been no differences between FIG. 17 and FIG. 24 other than the aforementioned two points. In other words, this shows that the words "'Filter application information" in FIG. 24 were not intentionally described in the figure as a difference between FIG. 17 and FIG. 24.

As indicated above, the description of the words "Filter application information" in FIG. 24 of the Japanese patent Application No. 2003-398981 is an error.

Since the international application was drafted by translating the Japanese Patent Application No. 2003-398981 into English, the words "'Filter application information" erroneously described in

FIG. 24 were also translated into English as "'Filter application Information" and described in FIG. 24 of the international application.

It should be noted that the error in FIG. 24 came to our attention when the Examiner pointed out in the current Final Office Action that the "Filter application information" was described in FIG. 24. We were not aware of the error in FIG. 24 when we responded to the previous Office Action. Since we were not aware that the words "Filter application information"' were erroneously described in FIG. 24 which describes the prior art, we agreed to the labeling of FIG. 24 as "Prior Art" in responding to the previous Office Action. However, in this previous response, there was no conscious intention to acknowledge that the "Filter application information" was prior art.

Furthermore, as described above, since the error in FIG. 24 first came to our attention upon reviewing the current final Office Action regarding the US application, we are now looking into correcting this error in FIG. 24 with respect to pending corresponding applications filed in other countries.

We also noted another error which occurred during the drafting of the English language drawing corresponding to FIG. 24 of the basic application in the outlet line from the memory 501 for the decoded picture. The original Japanese Figure 24 (Exhibit B) correctly showed an output signal line directly from the filter 512.

The basis for our amendment of Figure 24 is as follows.

From the description "The picture coding apparatus 500a in FIG. 24 and the picture decoding apparatus 600a in FIG. 25, in comparison with FIGS. 17 and 23, differ in the respect that they output pictures from the filters 512 and 612 instead of the memories 501 and 601" on page 8, lines 1 to 15 of the Specification, we believe that it is clear that the start point of the signal line

leading to the output terminal is not the memory 501, but rather the signal line between the filter 512 and the memory 501. This is also clear from FIG. 24 of the basic Japanese application shown in Exhibit B hereto.

In support of the explanation and request to amend Figure 24, applicants attach hereto the Declarations of Yoshiichiro Kashiwagi, Masayuki Kozuka and Shinya Kadono.

Also attached is a Declaration of Hiromi Nii, a patent attorney involved in the preparation of the application and the filing of the national phase PCT/US2004/004647 in the United States. Finally, the Declaration of the undersigned attorney Joseph W. Price is attached in presenting the amended Figure 24 as Prior Art.

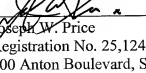
It is believed that applicant has met the requirements of correcting an inadvertent mistake in accordance with MPEP §706.02 III.

Accordingly, it is believed that the present case is in condition for allowance and an early notification of the same is requested.

If the Examiner believes a telephone interview will further the prosecution of this case, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

SNELL & WILMER L.L.P.



Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626
Tel: 714-427-7420
Fax: 714-427-7799